IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 12TH MARCH 2007 / 21ST PHALGUNA 1928

Bail Appl..No. 1366 of 2007()

OPHMA.390/2004 of FAMILY COURT,KOLLAM
CRIME NO.33/07 OF KOLLAM WEST POLICE STATION

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: PETITIONERS/ACCUSED 1 TO 3

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1. R.VENKATESH, AGED 34, S/O. P.RAMACHANDRA REDDIAR, RESIDING AT VENNILA, PALACE WARD SOUTH OF PALACE BRIDGE, ALAPPUZHA.

2. P.RAMACHANDRA REDDIAR, RESIDING AT VENNILA, PALACE WARD SOUTH OF PALACE BRIDGE, ALAPPUZHA.

3. S.RADHAMANI, W/O. P.RAMACHANDRA REDDIAR, RESIDING AT VENNILA, PALACE WARD SOUTH OF PALACE BRIDGE, ALAPPUZHA.

BY ADV. SRI.JOHNSON GOMEZ

RESPONDENTS:

THE STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, AT ERNAKULAM, THROUGH THE SUB INSPECTOR OF POLICE, WEST POLICE STATION, KOLLAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN
SRI.PRATHEESH.P

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1366 OF 2007 A

Dated this the 12th day of March, 2007

O R D E R

In this Petition filed under Sec. 438 Cr.P.C. the petitioners, who are accused Nos.1 to 3 in Crime No.33/2007 of Kollam West Police Station for an offence punishable under Sec.498A read with section 34 I.P.C., seek anticipatory bail. Petitioners are the husband, father-in-law and mother-in-law of the de facto complainant, whose marriage with the first petitioner was in the year 2000. The husband and wife separated prior to 2003 and the wife's application for divorce on the ground of cruelty and desertion was dismissed by the Family Court, Kollam as per Annexure-A order dated 4.12.2006. Thereafter, on 30.1.2006 the wife claims to have been assaulted by the husband and his parents after trespassing into her ancestral house.

2. I heard the learned counsel for the petitioners and the learned Public Prosecutor.

3. Having regard to the nature of the allegations levelled against the petitioners and the other circumstances of the case, I am inclined to grant anticipatory bail to the petitioners. Accordingly, a direction is issued to the officer-in-charge of the police station concerned to release the petitioners on bail for a period of one month in the event of their arrest in connection with the above case on each of them

executing a bond for Rs.10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction to the said officer and subject to the following conditions:

a. 1st and 2nd petitioners shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

b. Petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.

c. Petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

d. Petitioners shall not commit any offence while on bail.

e. Petitioners shall surrender before the Magistrate concerned and seek regular bail in the meanwhile.

If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

This application is allowed as above.

(V. RAMKUMAR, JUDGE)

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